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Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

Report of the High Commissioner for Human Rights on the activities of the Human Rights Field Operation in Rwanda submitted pursuant to General Assembly resolution 50/200

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I. INTRODUCTION

1. The present report describes the principal elements and role of the Human Rights Field Operation in Rwanda (HRFOR) in responding to the serious crisis in that country, from its inception in August 1994. It is presented in accordance with General Assembly resolution 50/200 of 22 December 1995, in which the Assembly requested the High Commissioner for Human Rights to report on the activities of HRFOR to the Commission on Human Rights at its fifty-second session and to the Assembly at its fifty-first session.

2. The field operation was the key response of the High Commissioner for Human Rights to the catastrophe that occurred in Rwanda. From April to July 1994, Rwanda suffered the slaughter of between 500,000 and 1 million persons. The main victims of this extensive carnage were members of the Tutsi minority and moderate Hutus. The massive human rights violations were perpetrated in a preplanned, organized and systematic manner by extremist Hutu militia throughout the country, and started within hours of the attack on the presidential aircraft on 6 April 1994, which took the lives of Juvénal Habyarimana, President of the Rwandese Republic, and Cyprien Ntyamira, President of the Republic of Burundi, as well as Ministers and staff of their entourages. The mass killings were condemned by all main organs of the United Nations, first and foremost by the Security Council. The massacres were later qualified by the Commission of Experts on Rwanda 1/ in very clear and unambiguous terms as constituting "genocide" within the meaning of the 1948 Genocide Convention.

3. The ensuing civil war and atrocities perpetrated against the civilian population exacerbated the trauma, which was worsened further by the extensive destruction of the country's infrastructure. The new Government that took power in Rwanda in mid-July 1994 was able to halt the genocide. It was then faced with the immense task of restoring law and order, fostering national reconciliation and reconstructing public and economic institutions.

4. The United Nations, including the High Commissioner for Human Rights, committed to assist in this endeavour, took a multifaceted approach to this complex set of problems. It is the deep conviction of the High Commissioner that a climate of confidence and long-lasting peace can be built only upon the foundations of full respect for human rights and the rule of law. In order to achieve this, Rwanda must be supported by the sustained efforts of the United Nations. As this process involves the healing of deep wounds inflicted by the genocide that left no part of Rwanda untouched, a long-term engagement is required. Moreover, the system of justice has to be reconstructed from its very foundations so as to ensure that, in future, justice is administered fairly and impartially. The return and resettlement of refugees to, and internally displaced persons within, Rwanda, poses another major problem to be resolved.

II. RESPONSE OF THE HIGH COMMISSIONER TO THE CRISIS IN RWANDA

5. The High Commissioner for Human Rights, who had assumed office only a day before the outbreak of hostilities in Rwanda, introduced a number of timely initiatives to address the crisis. He acted immediately to spur an urgent response from a wide range of United Nations agencies and mechanisms of the

Commission on Human Rights, the Organization of African Unity (OAU) and the non-governmental organizations (NGO) community. On 4 May 1994, he called for the convening of an emergency session of the Commission on Human Rights to address the human rights situation in Rwanda.

6. After having visited Rwanda in May 1994, the High Commissioner for Human Rights urged that a Special Rapporteur on Rwanda be appointed to examine all human rights aspects of the situation, including root causes and responsibilities for the atrocities. 2/ The High Commissioner also proposed that the Special Rapporteur should be supported by a field operation, staffed with specialists to investigate past human rights abuses and to monitor the ongoing situation, to deter human rights violations and to promote national reconciliation. These proposals were endorsed by the Commission and the Economic and Social Council.

7. On 1 July, by its resolution 935 (1995), the Security Council requested the Secretary-General to establish urgently an impartial commission of experts to examine and analyse information concerning responsibility for grave violations of international humanitarian law committed in Rwanda, including genocide. In his report to the Security Council of 26 July 1994, the Secretary-General stated that the Commission of Experts on Rwanda would be based in Geneva and would benefit from the resources of the High Commissioner for Human Rights and, in particular, those already made available to the Special Rapporteur of the Commission on Human Rights in Geneva and in the field. 3/

8. Another major development was the exodus of millions of refugees into neighbouring countries. This generated an immediate need to assist the newly established Government of Rwanda in creating the necessary conditions of law and order within a climate of confidence to encourage the early return of refugees and internally displaced persons. It was generally felt by members of the international community that a human rights field operation, one much larger than that conceived for the purposes of the Special Rapporteur and the Commission of Experts, should be put in place to facilitate repatriation and resettlement. In the absence of regular budget funding for an operation of this scale, the High Commissioner for Human Rights found it necessary to launch an appeal at the beginning of August 1994 for voluntary contributions to support this broad-based field operation. In August, he visited Rwanda again and obtained the agreement of the Government for the operation. Thus, the foundation was laid for HRFOR.

9. In the agreement between the High Commissioner for Human Rights and the Government of Rwanda, the objectives and functions of the operation are defined as follows: (a) carrying out investigations into violations of human rights and humanitarian law, including possible acts of genocide; (b) monitoring the ongoing human rights situation and helping to prevent such violations through the presence of human rights field officers; (c) cooperating with other international agencies to re-establish confidence and facilitate the return of refugees and internally displaced persons and the rebuilding of civil society; and (d) implementing programmes of technical cooperation in the field of human rights, particularly in the area of the administration of justice, to help Rwanda to rebuild its shattered judiciary and to provide human rights education to all levels of Rwandan society.

III. OVERVIEW OF THE FUNCTIONS OF THE FIELD OPERATION: THREE PRINCIPAL ELEMENTS

10. The mandate of HRFOR takes a three-pronged approach to confidence-building with a view to eventual national reconciliation. First, HRFOR has carried out extensive investigations of genocide and other serious violations of human rights and humanitarian law that took place during the armed conflict in Rwanda from April to July 1994. Second, it has established a comprehensive presence of human rights field officers throughout the country to monitor the ongoing human rights situation. Third, it has initiated a broad-based programme of promotional activities in the field of human rights, ranging from projects for the rebuilding of the Rwandan administration of justice to human rights education.

11. In the first 12 months of the operation, HRFOR managed to establish a comprehensive and visible human rights presence in all parts of the country and a constructive working relationship with the Government of Rwanda at all levels. It was thus possible to work cooperatively with the local authorities in Rwanda to prevent and redress human rights problems.

12. The High Commissioner wishes to express his appreciation for the tireless and determined efforts of the operation's first Chief, Mr. W. Clarance, in carrying out a task, particularly complex and difficult in the light of the emergency setting surrounding the first months of the operation, for which the preparation of elaborate plans had not been possible.

13. At the end of the first year of the operation, HRFOR had reached a stage at which its functioning required fresh evaluation and review. Mr. I. Martin was assigned this new responsibility and, in his role as new Chief of HRFOR, thoroughly revised certain aspects of HRFOR's procedures.

A. Investigating past violations - the genocide

14. From the start of the operation, it had been recognized that the genocide investigation would have to be carried out in a professional manner and with the requisite level of expertise. Moreover, utmost care was taken to ensure that the integrity and confidentiality of evidence were continuously maintained. In this regard, the High Commissioner took full account of the experience gained from the work of the International Tribunal for the Former Yugoslavia, which had also been preceded by the creation of a commission of experts.

15. While the desirability and feasibility of creating an international criminal court for Rwanda was in the process of being considered, special care was taken to ensure that valuable evidence would not be lost in the interim. To this end, a special investigations unit was established to gather evidence that might otherwise have been lost or destroyed, to be turned over to the Prosecutor, if and when an international criminal court was brought into existence. This approach proved propitious when the Security Council decided, by its resolution 955 (1994) of 8 November 1994, to create the International Tribunal for Rwanda. It took several more months before the International Tribunal could become operational. HRFOR continued its genocide-related investigations until such point as the Deputy Prosecutor's Office, with its

own investigations unit, was established in Kigali. Thereafter, the emphasis of the operation's investigative work shifted to coordinating activities of the field teams with the work of the International Tribunal.

16. While this work did not involve investigations for the direct purpose of prosecutions, it nevertheless required the highest standards of confidentiality and integrity of evidence-gathering, because of its potential probative value before a court of law. A number of Governments responded positively to the High Commissioner's request to provide specialized personnel, such as prosecutors, criminal investigators, police and forensic experts, thereby enabling HRFOR to collect pertinent evidence. Teams of experts provided by the Netherlands, Norway, Spain, Switzerland and the United States of America carried out special investigations into acts of genocide, including a comprehensive survey by forensic experts of massacre and mass grave sites, interviews of surviving victims and witnesses and the collection and preservation of documentary and other tangible evidence. A number of human rights field officers were assigned to provide assistance in this work at many stages of the investigation, working under the guidance of the expert investigators. These investigations have benefited also from outside support, particularly that provided by the United Nations Assistance Mission for Rwanda (UNAMIR).

17. All information gathered was regularly forwarded to the High Commissioner for Human Rights, who then channelled it to the Commission of Experts, the Special Rapporteur and the International Tribunal for Rwanda. The information placed before the Special Rapporteur and the Commission of Experts during 1994 was forwarded to the International Tribunal for Rwanda in January 1995. Information and evidentiary materials that were collected subsequently were again made available to the Special Rapporteur and personally handed over by the High Commissioner to the Deputy Prosecutor of the International Tribunal on 2 April 1995 in Kigali. The value of this material was explicitly recognized by the Tribunal.

18. The leading international role in investigating serious violations of international humanitarian law committed in Rwanda between 1 January and 31 December 1994 for the purposes of prosecution is now that of the International Tribunal. HRFOR is not duplicating the Tribunal's investigations. However, information and evidentiary materials collected by HRFOR and made available to the International Tribunal have contributed to some of the indictments now handed down by the Tribunal. Its teams offer assistance to facilitate the work of the investigators of the International Tribunal in the field, and any new information that comes to the attention of HRFOR will continue to be made available to the Tribunal as well as to the Special Rapporteur.

19. HRFOR gave assistance to the Government of Rwanda in the preparation and organization of its International Conference on Genocide held in Kigali from 30 October to 5 November 1995. HRFOR is also assisting the Government's Interministerial Commission for the Memorial of the Genocide, and will continue to offer assistance to Rwanda's efforts to address the genocide.

20. The Commission of Experts found that crimes against humanity and serious violations of international humanitarian law were committed by individuals of

both sides of the conflict in Rwanda, but found no evidence to suggest that acts committed by Tutsi elements were perpetrated with an intent to destroy the Hutu ethnic group as such, within the meaning of the Genocide Convention. Allegations of such violations reported to HRFOR were made available to the Special Rapporteur, who has reported on them in successive reports. His latest report states that: "The Special Rapporteur cannot confirm this information at the present stage of his investigations; however he met some of the persons named, including the former Prime Minister, who promised to make available to him the documents and evidence in their possession. Once that material has been received it will be studied in detail and an inquiry on the spot will be carried out by human rights observers ..." 4/

B. Monitoring and confidence-building process

21. Monitoring and reporting on the current human rights situation constitute essential elements of the operation's mandate. It is important for the post-genocide rehabilitation of Rwanda that the ongoing human rights situation be closely observed, patterns of violations identified and immediate action taken. The Government of Rwanda fully recognizes that respect for human rights is a prerequisite for genuine confidence-building and national reconciliation and has supported the operation's efforts.

22. Monitoring and confidence-building involve the establishment of a visible presence of human rights field officers throughout Rwanda. In accordance with the mandate of HRFOR, such activities have been conducted on a continuing basis throughout the country at the prefectural, communal and sectoral levels. HRFOR currently has field offices in 10 of Rwanda's 11 prefectures.

23. In October 1995, the newly appointed Chief of HRFOR thoroughly revised the monitoring and reporting procedures so that situation reports covering each calendar month are communicated first to the Government of Rwanda, thereby providing it with ample opportunity to supplement the reports with further information relevant to human rights violations and to correct factual inaccuracies where they may arise. This allows the Government of Rwanda to respond more fully to allegations of human rights violations and to work more constructively with HRFOR to redress violations at all levels. Subsequently, the situation reports are revised to take account of the response of the Government of Rwanda and then are made available to government delegations and concerned international organizations in Geneva.

Refugees and displaced persons

24. HRFOR is playing an important role in the process of repatriation and resettlement of refugees and internally displaced persons. In this context, the operation closely coordinates its activities with the United Nations High Commissioner for Refugees (UNHCR). A memorandum of understanding between UNHCR and HRFOR has been concluded, building on already existing cooperation, designed to reduce duplication of efforts as each agency seeks to implement its mandate. In deploying human rights field officers throughout the country, HRFOR pays particular attention to the areas receiving the largest numbers of refugees and internally displaced persons. HRFOR attempts to ensure that basic human rights are not violated at any stage of return, resettlement and reintegration, by monitoring: conditions at principal frontier crossing

points; processing in transit centres; treatment of refugees while they await transfer to communes; treatment of those placed in interim detention; and all aspects of reintegration into home communes. In this connection, HRFOR evaluates the state of readiness of home communes to determine whether they are in a position to receive returnees and assists these communes in the resettlement process. Once this process has been completed, HRFOR monitors the subsequent treatment and security of resettled returnees.

Conditions of detention

25. Another priority of HRFOR is the serious situation in prisons and local detention centres. As of the end of February 1996, the total number of detainees exceeded 64,000. In many detention centres, prisoners have had to stand for lack of room. There have been many deaths and serious illnesses due to the severe overcrowding.

26. Most of those currently detained were arrested outside the procedures laid down in Rwandan law, on accusations of involvement in the genocide, and there were initially no case files recording the allegations against them. HRFOR actively seeks to promote respect for legal procedures governing arrest and detention and, as judicial officials have been trained and deployed, there has been gradual progress in this respect. There has also been progress in the establishment of case files, although a very large backlog remains. Criminal trials have not yet commenced, but in February the Government announced its decision to create specialized criminal chambers within the existing courts to try those accused of involvement in the genocide, and enabling legislation is in preparation. Meanwhile, a small number of detainees, mostly accused of offences other than genocide, have been released as their cases were reviewed by the judicial authorities. The Government also established "triage committees" in each prefecture as an extrajudicial procedure whereby cases would be reviewed with the participation of the Rwandan Patriotic Army (RPA), which carried out most of the arrests. In 1995, only very small numbers of detainees were released as a result of this process. In December 1995, the Ministry of Justice issued instructions for such committees to be established in each commune to give priority to the cases of elderly persons, women and minors. HRFOR seeks to promote the processing of cases by these bodies at the same time as assisting the rehabilitation of the judicial system.

27. In accordance with guidelines agreed with the International Committee of the Red Cross (ICRC) for coordination in the field with regard to visits to persons deprived of their freedom in Rwanda, HRFOR carries out tasks complementary to those of ICRC. The main purpose of the agreement is to avoid duplication and to optimize efforts of the respective organizations for the benefit of detainees. In particular, HRFOR monitors respect for judicial guarantees with regard to detainees in prisons and pursues investigations regarding possible human rights violations through fact-finding missions to detention centres, following consultation with, and notification of, the relevant ICRC delegates. Where cases of ill-treatment come to the attention of HRFOR, HRFOR notifies ICRC delegates immediately and keeps them informed of their findings.

28. In terms of their respective priorities, HRFOR field officers accord priority to ensuring respect for judicial guarantees with regard to the detainees, including the circumstances of arrest, the duration of temporary detention, the establishment of individual legal files, the release of arbitrarily detained persons and the confirmation of release, whereas the ICRC delegates deal primarily with conditions of detention from the point of view of physical and psychological treatment and material conditions. Regular meetings are held at least once a week between representatives of HRFOR and ICRC in prefectures where both are represented so as to enhance mutual coordination.

C. Human rights promotion and efforts to rehabilitate the Rwandan justice system

29. Rwanda was left after the genocide with a substantially destroyed judicial system and few officials still in place. Re-establishment of the administration of justice remains an indispensable requirement for coping with the tragedy of genocide and its aftermath and, more generally, for making possible steps towards national reconciliation and rebuilding the principal organs of State administration.

30. HRFOR has worked to assist in the rehabilitation of the justice system at the national and local levels. The close contacts developed by HRFOR's field teams with local judicial officials has enabled HRFOR to enhance judicial functions despite the limitations of the system. It has thus been able to assist in channelling material assistance made available by the United Nations Development Programme (UNDP) and other donors to meet local needs and to promote the gradual resumption of judicial functions. Three legal experts have worked with the Ministry of Justice, and HRFOR developed, in cooperation with the Ministry of Justice and UNDP, a plan to deploy 50 foreign legal experts to assist the Government in restarting the judiciary. In September, the Government asked to suspend this project for re-examination. The project was therefore revised and it now envisages 10 foreign legal experts providing support to prosecutors and the courts in various prefectures. To date, seven foreign legal experts have been approved by the Government and a decision is pending on the other three.

31. HRFOR has actively promoted respect for Rwandan law and human rights standards through efforts focused on re-establishing or establishing the governmental and non-governmental institutions necessary for the protection of human rights. Seminars on arrest and detention procedures have been organized by field teams in the prefectures in conjunction with UNHCR. HRFOR participates in training at the National Gendarmerie School in Ruhengeri and has prepared training seminars for the gendarmerie and the RPA on the role of the armed forces and law enforcement officials in the protection and promotion of human rights.

32. HRFOR has organized and delivered a large number of human rights seminars throughout the country. Several of these have focused specifically on the rights of women and children; others have concerned the role of government officials and of journalists. A project for the creation of centres to provide legal and other advice to women at the commune level has been developed with local legal associations and competent ministries. HRFOR has

worked closely with a number of Rwandan NGOs and has promoted human rights standards and awareness through radio broadcasts, newsletters and a weekly human rights club.

IV. SERVICING AND COORDINATION OF THE OPERATION WITH BODIES ESTABLISHED BY THE SECURITY COUNCIL AND THE COMMISSION ON HUMAN RIGHTS

A. Servicing the Special Rapporteur

33. From the initial phase of the operation, special efforts were made to provide the Special Rapporteur with the required assistance in the fulfilment of the mandate entrusted to him by the Commission on Human Rights. 5/ Indeed, the High Commissioner had originally proposed that the Special Rapporteur should be assisted by a team of human rights field officers, a proposal approved by the Commission on Human Rights. A first group of five human rights officers was fielded during the period from June to August 1994. As HRFOR became fully operational and as the amount of information gathered by field teams increased, a Coordinator for the Special Rapporteur was selected in conformity with the Special Rapporteur's wishes and appointed, whose functions form an integral part of the Office of the Chief of HRFOR in Kigali. He ensures that, in all activities of the operation, due regard is accorded to the mandate and reporting responsibilities of the Special Rapporteur. In Geneva, the Special Rapporteur is assisted by two Professional officers on a full-time basis.

34. All information collected by HRFOR is fully communicated to the Special Rapporteur and copies of materials, including transmitted to the International Tribunal for Rwanda, are retained in Geneva for the Special Rapporteur's exclusive use. This includes all substantive reports emanating from the field teams and all important abstracts of information produced in Kigali or Geneva.

35. In accordance with the mandate entrusted to him by the Commission on Human Rights, the Special Rapporteur has undertaken several visits to Rwanda and neighbouring States and has presented six reports on the situation of human rights in Rwanda. 6/ As is the general practice with other rapporteurs, the Special Rapporteur has received at all times the full assistance of the Centre for Human Rights in Geneva as well as that of HRFOR in the preparation and conduct of, as well as follow-up to, these visits.

B. Servicing the Commission of Experts established pursuant to Security Council resolution 935 (1994) to examine and analyse the grave violations of international humanitarian law in Rwanda, including possible acts of genocide

36. In the light of the continuing reports of violations of international law, including genocide, in Rwanda and recalling "that all persons who commit or authorize the commission of serious violations of international humanitarian law are individually responsible for those violations and should be brought to justice", in its resolution 935 (1994) the Security Council requested, as a matter of urgency, the establishment of an impartial Commission of Experts to conduct an investigation into these violations committed in the territory of Rwanda and responsibility therefor.

37. In accordance with the terms of reference as specified by the Security Council, the Commission of Experts' mandate comprised reviewing and updating information available from all sources, carrying out its own investigations in Rwanda, determining individual responsibility and the applicable norms of international law thereon and examining the feasibility of bringing perpetrators to trial, whether before a domestic or an international tribunal.

38. The Commission of Experts was based in Geneva, in order to benefit from the resources of the High Commissioner and those made available to the Special Rapporteur on Rwanda. Accordingly, the Commission was provided with support and assistance by the Office of the High Commissioner for Human Rights, which was entrusted with coordinating the activities of the Commission of Experts with those of the Special Rapporteur on Rwanda. As certain of the Special Rapporteur's responsibilities, as outlined above, overlapped with the mandate of the Commission of Experts, the latter relied on the secretariat of the United Nations Centre for Human Rights for administrative support and legal expertise.

39. As is the practice with the Special Rapporteur, the information needs and field activities of the Commission of Experts were extensively serviced by HRFOR. Indeed, the conclusions of the Commission of Experts and the Special Rapporteur on the character and extent of the killings, and their qualification as "genocide" according to international legal norms, were largely based on the factual information provided by HRFOR. On 30 November 1994, the Commission's work came to an end, and the material it had collected or received was subsequently transferred to the Tribunal.

C. Coordination with the International Criminal Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994

40. In accordance with the recommendation of the Commission of Experts, the Security Council decided, in its resolution 955 (1994) of 8 November 1994 to create an international tribunal for Rwanda which:

> "shall have the power to prosecute persons responsible for serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994, in accordance with the provisions of the present statute".

41. Established under Chapter VII of the Charter of the United Nations as a subsidiary body of the Security Council, the International Criminal Tribunal for Rwanda has the authority to dispense justice. Member States are legally bound to comply with requests for judicial assistance.

42. Subsequently, Mr. Richard Goldstone (South Africa) was appointed Prosecutor of the International Criminal Tribunal for Rwanda and an office of Deputy Prosecutor was established in Kigali. Mr. Goldstone will be succeeded

by Mrs. Louise Arbour (Canada) upon Mr. Goldstone's resignation, to take effect on 1 October 1996 (see Security Council resolution 1047 (1996) of 29 February 1996).

43. Following an agreement between the High Commissioner for Human Rights and the Chief Prosecutor, a large body of evidence gathered since September 1994 by HRFOR was placed at the Tribunal's disposal. In addition, the High Commissioner for Human Rights transmitted all information that had been received by the Special Rapporteur and the Commission of Experts to the Tribunal in January 1995. The High Commissioner personally handed over evidentiary materials and information collected subsequently to the Deputy Prosecutor of the Tribunal on 2 April 1995 in Kigali.

44. The High Commissioner had several meetings with the Prosecutor of the International Criminal Tribunal for Rwanda, during which he placed the services of HRFOR at the disposal of the Tribunal. HRFOR continues to maintain contact and coordination with the Office of the Deputy Prosecutor with regard to all pertinent activities. At the request of the Prosecutor, HRFOR will use its presence throughout Rwanda to increase local awareness of progress in the Tribunal's proceedings.

V. CONTRIBUTION OF THE EUROPEAN UNION

45. On 9 March 1995, the High Commissioner concluded an agreement with the Commission of the European Communities, whereby a fully financed and equipped contingent of up to 50 human rights field officers would be made available to HRFOR. The agreement specified that the contribution would last for a period of five months. Subsequently, however, the agreement was extended several times.

46. The agreement with the European Commission provides for the full integration of the contributed officers in HRFOR, under the authority of the High Commissioner and his designated Chief of HRFOR. The European Commission, following consultations with the High Commissioner, has nominated a coordinator of the contingent, who is being consulted by the Chief of HRFOR on all operational activities and functions, including questions of deployment.

47. The High Commissioner is most grateful for the significant contribution of the European Union to HRFOR. Not only have European Union member States borne the major financial burden of HRFOR but, in addition, the European Commission has provided up to 32 human rights field officers to HRFOR. The European Commission has indicated its intention to continue its generous support with up to 50 fully equipped officers being provided under a new arrangement currently being negotiated.

VI. COOPERATION WITH UNITED NATIONS VOLUNTEERS

48. The High Commissioner is also most thankful to the United Nations Volunteer programme (UNV), which has been most supportive of HRFOR, despite sharing the administrative difficulties resulting from the lack of a stable financial basis. UNV has currently fielded 45 volunteers who serve alongside United Nations staff and European Union-contributed officers in all aspects of the operation. The High Commissioner is particularly grateful to all those

members of HRFOR who have maintained, while experiencing the difficulties stemming from financial uncertainty, their commitment to assist Rwanda through HRFOR in complex and sometimes hazardous circumstances.

VII. CONSIDERATIONS FOR THE FUTURE

49. HRFOR is the first human rights field operation to be created by and run under the authority of the High Commissioner for Human Rights. Undoubtedly, HRFOR faces an enormous task, which comprises not only investigating past violations, but also fostering a climate of confidence so that refugees can return to their normal daily lives as well as providing assistance to help Rwanda to rebuild its administration of justice. Given the fact that Rwanda has been ravaged by the genocide and armed conflict in which systematic and gross violations of international human rights and humanitarian law were perpetrated, the challenges of the rehabilitation effort remain daunting.

50. HRFOR has made a significant contribution to human rights protection and promotion in Rwanda through its investigation of the 1994 genocide, monitoring of the current human rights situation, including the process of repatriation, resettlement and reintegration of refugees and internally displaced persons to their home communes, as well as efforts to rehabilitate the Rwandan justice system.

51. In his report of 13 November 1995 (A/50/743), the High Commissioner drew to the attention of the General Assembly difficulties arising from a persistent lack of funding and he made a request for regular budget funding for HRFOR. He pointed out that all other human rights field operations comparable in scale to HRFOR (El Salvador, Cambodia, Haiti and Guatemala) have been able to rely on funding from the regular or peace-keeping budget. However, this request for regular budget funding was not approved.

52. On 10 January 1996, the High Commissioner convened an urgent meeting in Geneva to advise Member States of the financial difficulties facing HRFOR, exacerbated by the obligation to repay US$ 3 million that had been advanced earlier to HRFOR from the Central Emergency Revolving Fund, and appealed to them for assistance. Although several significant contributions were received for HRFOR, the financial situation remains precarious. The credit balance, available at the time of writing the present report, amounts to US$ 2.5 million, thus enabling the High Commissioner to repay the US$ 1 million to the Central Emergency Revolving Fund at the end of March 1996. Another US$ 2 million has to be repaid to the Fund by the end of June 1996. Given the fact that an estimated amount of US$ 700,000 for programme support costs, initially held back, in principle can be accessed and that additional pledges in the amount of US$ 500,000 have been made, spending commitments can be entered into, at this point, only until the end of April 1996.

53. In view of these constraints, it has not been possible to proceed promptly with the recruitment necessary to maintain and strengthen HRFOR. The number of international staff has fallen from 126 at the end of October 1995 to 95 at the end of February 1996. Since these figures include administrative and support staff, the number of human rights monitoring staff had fallen to 78 by the end of February 1996. Overall, 120 human rights field officers constitute the minimum presence necessary for a professionally sound human rights field operation in Rwanda.

54. On 8 March 1996, the Security Council unanimously adopted resolution 1050 (1996), which provides that UNAMIR be withdrawn over a six-week period. Recognizing the importance of HRFOR in contributing to the establishment of confidence in the country, and concerned that it may not be possible to maintain its presence throughout Rwanda unless sufficient funds for that purpose are secured in the very near future, the resolution calls upon States to contribute urgently to the costs of HRFOR, and encourages the Secretary-General to consider what steps might be taken to place the operation on a more secure financial basis.

55. It should also be noted that, on 12 March, the Secretary-General wrote to the President of the General Assembly (A/50/891), expressing deep concern that the Assembly's request for the continuation of the human rights field operations in Haiti and Guatemala hitherto funded out of the regular budget, without requisite financial resources, stood in danger of not being secured. He noted that, on a number of occasions, for example in paragraph 32 of the Supplement to an Agenda for Peace (A/50/60), he had drawn attention to the need to establish agreed procedures for the financing of a class of field missions that are neither peace-keeping operations nor the kind of recurrent activity normally funded out of the regular budget.

56. In this context, the High Commissioner proposed in his annual report to the Commission on Human Rights (E/CN.4/1996/103) that a human rights fund for field activities be established to ensure that his Office could conduct its work in those countries where such initiatives and cooperation were necessary and welcome, based on a predictable source of funding that allowed for proper planning and management of the operation.

57. The Government of Rwanda has made clear its wish to have the presence of HRFOR maintained. With the withdrawal of UNAMIR, HRFOR will become the main United Nations field presence in Rwanda at a time when a major refugee return remains a stated policy objective of all concerned. In his report of 29 February 1996 to the Security Council (S/1996/149), the Secretary-General stated that he shared the view of the High Commissioner that it would be most regrettable if the closure of HRFOR had to occur before the major return of refugees had taken place, the Rwandan justice system was functioning adequately and national institutions were better able to promote and protect human rights. UNHCR has also expressed its concern that the presence of human rights field officers in the prefectures and communes receiving refugees should be maintained and strengthened.

58. Most important, in the Declaration of Tunis, arising out of the Great Lakes Conference held in Tunisia from 16 to 18 March 1996, the President of Rwanda stated that his Government:

> "attached special importance to the United Nations High Commissioner for Human Rights in Rwanda and declared that it would welcome the strengthening of this Office and the deployment of an expanded number of human rights monitors throughout the country. It is prepared to permit the number of such monitors to increase to an authorized level of 300, and called on the international community to provide the resources to finance the critical work of the human rights monitors".

Notes

1/ The Commission was created on 1 July 1994 by the Security Council to determine individual responsibility for serious breaches of human rights and humanitarian law. Following the completion of its work and the submission of its reports to the Secretary-General, it was dissolved on 30 November 1994.

2/ E/CN.4/S-3/3 of 19 May 1994.

3/ S/1994/879.

4/ E/CN.4/1996/68, para. 104.

5/ Commission resolution S-3/1 of 25 May 1994.

6/ E/CN.4/1995/7, of 28 June 1994, and Corr.1; E/CN.4/1995/12, of 12 August 1994; E/CN.4/1995/70, of 11 November 1994; E/CN.4/1995/71, of 17 January 1995; E/CN.4/1996/7, of 28 June 1995, and E/CN.4/1996/68, of 29 January 1996.

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